

REMARKS

Claims 56-65 are pending. Reconsideration is requested.

Claims 56-65 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 9-17 of USP 5,824,538. The Examiner indicates that the previously filed Terminal Disclaimer is not acceptable because the assignee has not established its ownership interest. A Statement under 37 CFR 3.73(b) is filed herewith, establishing that the Government of the United States, as represented by the Secretary of the Army is the assignee of the entire right, title and interest of the application by virtue of an assignment that has been recorded at the Office. Accordingly, it is respectfully requested that the previously filed Terminal Disclaimer be accepted, and the rejection be withdrawn.

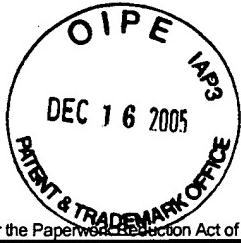
All rejections having been addressed, it is respectfully submitted that the application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

12/16/05

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Enclosure



PTO/SB/96 (09-04)

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Government of the United States, as Represented by the Secretary of the ArmyApplication No./Patent No.: 08/711,961 Filed/Issue Date: September 6, 1996Entitled: BACTERIAL DELIVERY SYSTEM

Government of the United States, as  
Represented by the Secretary of the Army, a Government agency  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9738, Frame 0008, or for which a copy thereof is attached.

**OR**

- B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Elizabeth Arwine  
Signature2 December 2005  
DateElizabeth Arwine  
Printed or Typed Name(301) 619-7808  
Telephone NumberPatent Attorney, Staff Judge Advocate OfficeTitle